

**OPEN MEETING MINUTES**  
**Missouri State Board of Embalmers**  
**and Funeral Directors**

**December 2-4, 2008**  
**InterContinental Kansas City at the Plaza (Fairmont)**  
**401 Ward Parkway – Pavilion 1**  
**Kansas City, Missouri**

---

**Tuesday, December 2, 2008 – 10:00 a.m.**

---

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by James Reinhard, Chairman, at 10:00 a.m. on Tuesday, December 2, 2008, at the InterContinental Kansas City at the Plaza, 401 Ward Parkway, Kansas City, Missouri.

**Roll Call**

**Board Members Present**

James Reinhard, Chairman  
Martin Vernon, Vice-Chairman  
Gary Fraker, Secretary  
Todd Mahn, Member  
John McCulloch, Member  
Joy Gerstein, Public Member

**Staff Present**

Becky Dunn, Executive Director  
Lori Hayes, Inspector  
Pam Schnieders, Administrative Assistant  
Kimberly Grinston, Board's Legal Counsel  
Sharon Euler, Assistant Attorney General

**Public Present**

Kevin Lager, Central Investigations Unit

**Closed Meeting**

Motion was made by Gary Fraker and seconded by Todd Mahn to move into closed session and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from the closed meeting be closed pursuant to Section 610.021 Subsection (14) and 620.010.14 Subsection (7) RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure; Section 610.021 Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney. Motion carried with James Reinhard, Gary Fraker, Todd Mahn, and John McCulloch voting in favor with no votes in opposition. Martin Vernon and Joy Gerstein were absent for this portion of the meeting.

---

**Tuesday, December 2, 2008 – 11:00 a.m.**

The Open Meeting of the State Board of Embalmers and Funeral Directors was called to order by James Reinhard, Chairman, at 11:05 a.m. on Tuesday, December 2, 2008, at the InterContinental Kansas City at the Plaza, 401 Ward Parkway, Kansas City, Missouri.

**Board Members Present**

James Reinhard, Chairman  
Martin Vernon, Vice-Chairman  
Gary Fraker, Secretary  
Todd Mahn, Member  
John McCulloch, Member  
Joy Gerstein, Public Member

**Staff Present**

Becky Dunn, Executive Director  
Lori Hayes, Inspector  
Pamela Schnieders, Administrative Assistant  
Kimberly Grinston, Board's Legal Counsel  
Sharon Euler, Assistant Attorney General

**Public Present**

David Broeker, Division Director  
Connie Clarkston, Division of Professional Registration

**Approval of Agenda**

Motion was made by Martin Vernon and seconded by Gary Fraker to approve the open agenda. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

**Approval of Minutes****March 11, 2008 Open Mail Ballot Meeting Minutes**

Motion was made by John McCulloch and seconded by Gary Fraker to approve the March 11, 2008 Open Mail Ballot Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

**April 7-9, 2008 Open Meeting Minutes – INCOMPLETE**

April 7-9, 2008 Open Meeting Minutes were not completed for approval at this meeting.

**April 10, 2008 Open Conference Call Meeting Minutes – INCOMPLETE**

April 10, 2008 Open Meeting Minutes were not completed for approval at this meeting.

**April 14, 2008 Open Conference Call Meeting Minutes – INCOMPLETE**

April 14, 2008 Open Meeting Minutes were not completed for approval at this meeting.

**April 16, 2008 Open Mail Ballot Meeting Minutes**

Motion was made by John McCulloch and seconded by Gary Fraker to approve the April 16, 2008 Open Mail Ballot Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

**April 22, 2008 Open Meeting Minutes – INCOMPLETE**

April 22, 2008 Open Meeting Minutes were not completed for approval at this meeting.

**April 23, 2008 Open Mail Ballot Meeting Minutes**

Motion was made by John McCulloch and seconded by Gary Fraker to approve the April 23, 2008 Open Mail Ballot Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

**April 28, 2008 Open Meeting Minutes – INCOMPLETE**

April 28, 2008 Open Meeting Minutes were not completed for approval at this meeting.

**May 7, 2008 Open Conference Call Meeting Minutes – INCOMPLETE**

May 7, 2008 Open Meeting Minutes were not completed for approval at this meeting.

**May 15, 2008 Open Meeting Minutes – INCOMPLETE**

May 15, 2008 Open Meeting Minutes were not completed for approval at this meeting.

**May 29, 2008 Open Mail Ballot Meeting Minutes**

Motion was made by John McCulloch and seconded by Gary Fraker to approve the May 29, 2008 Open Mail Ballot Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

**June 9, 2008 Open Mail Ballot Meeting Minutes**

Motion was made by John McCulloch and seconded by Gary Fraker to approve the June 9, 2008 Open Mail Ballot Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

**June 12, 2008 Open Conference Call Meeting Minutes – INCOMPLETE**

June 12, 2008 Open Meeting Minutes were not completed for approval at this meeting.

**June 19, 2008 Open Mail Ballot Meeting Minutes**

Motion was made by John McCulloch and seconded by Gary Fraker to approve the June 19, 2008 Open Mail Ballot Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

**July 8, 2008 Open Chapter 436 Review Committee Meeting Minutes**

Motion was made by John McCulloch and seconded by Gary Fraker to approve the July 8, 2008 Open Chapter 436 Review Committee Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

**July 15, 2008 Open Chapter 436 Review Committee Meeting Minutes**

Motion was made by John McCulloch and seconded by Gary Fraker to approve the July 15, 2008 Open Chapter 436 Review Committee Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

**July 24, 2008 Open Chapter 436 Review Committee Meeting Minutes**

Motion was made by John McCulloch and seconded by Gary Fraker to approve the July 24, 2008 Open Chapter 436 Review Committee Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

**July 29, 2008 Open Chapter 436 Review Committee Meeting Minutes**

Motion was made by John McCulloch and seconded by Gary Fraker to approve the July 29, 2008 Open Chapter 436 Review Committee Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

**August 12, 2008 Open Chapter 436 Review Committee Meeting Minutes**

Motion was made by John McCulloch and seconded by Gary Fraker to approve the August 12, 2008 Open Chapter 436 Review Committee Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

**August 18-20, 2008 Open Meeting Minutes – INCOMPLETE**

August 18-20, 2008 Open Meeting Minutes were not completed for approval at this meeting.

**August 26, 2008 Open Conference Call Meeting Minutes**

Motion was made by John McCulloch and seconded by Gary Fraker to approve the August 26, 2008 Open Conference Call Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

**September 4, 2008 Open Meeting Minutes**

Motion was made by John McCulloch and seconded by Gary Fraker to approve the September 4, 2008 Open Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

### September 8, 2008 Open Conference Call Meeting Minutes

Motion was made by John McCulloch and seconded by Gary Fraker to approve the September 8, 2008 Open Conference Call Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

### September 23, 2008 Open Mail Ballot Meeting Minutes

Motion was made by John McCulloch and seconded by Gary Fraker to approve the September 23, 2008 Open Mail Ballot Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

### October 14, 2008 Open Mail Ballot Meeting Minutes

Motion was made by John McCulloch and seconded by Gary Fraker to approve the October 14, 2008 Open Mail Ballot Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

### Executive Director's Report

Becky Dunn reported on the FY2009 Financial Statement as of October 31, 2008

	Year-To-Date	Projected	Remaining
FY 2009 Beginning Fund Balance	1,499,792.36		
Revenue	80,325.99	0.00	(80,325.99)
Expense and Equipment	53,765.02	0.00	(53,765.02)
Total Transfers	152,429.60	0.00	(206,166.12)
Ending Fund Balance	1,373,923.73		

### FY 2009 OA Cost Allocation

#### Board Cost:

OA Expenditures	Auditor Expenditures	Governor Expenditures	Lt. Governor Expenditures	Sec. of State Expenditures	
\$585.00	\$0.00	\$130.00	\$25.00	\$567.00	
Atty General Expenditures	Gen Assembly Expenditures	Capitol Police	DOR Receipts		Total
\$0.00	\$1,804.00	\$81.00	\$654.00		\$3,846.00

#### Division Cost:

OA Expenditures	Auditor Expenditures	Governor Expenditures	Lt. Governor Expenditures	Sec. of State Expenditures	
\$88.19	\$0.00	\$19.63	\$3.84	\$85.48	
Atty General Expenditures	Gen Assembly Expenditures	Capitol Police	DOR Receipts		Total
\$0.00	\$272.13	\$12.24	\$0.00		\$481.51

#### FY2009 Total Cost:

\$4,327.51

### Legal Counsel Report (Kimberly Grinston)

Kimberly Grinston, Board's Legal Counsel, and Sharon Euler, Assistant Attorney General, had nothing new to report.

## **Rules and Regulations**

- **New**

The Board reviewed drafted language as follows:

The funeral director apprenticeship is not intended as a long-term method of practicing as a funeral director in the absence of progress toward licensure. Accordingly, effective January 1, 2009, an apprentice shall not be allowed to register with the Board for more than two apprenticeship periods, unless otherwise approved by the Board for good cause.

The Board also reviewed a draft of the examinations to include in the definition rule:

**THE MISSOURI LAW EXAMINATION** will test your knowledge of Chapter 333 RSMo, and the rules governing the practice of embalming, funeral director and funeral home licensing, together with government benefits, statutes and rules governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof. This examination will contain questions regarding Chapter 436 RSMo, relating to the preneed statutes and Chapters 193 and 194 RSMo relating to the Department of Health and Senior Services Statutes. This examination may also include questions regarding Federal Trade Commission rules and regulations and OSHA requirements as they apply to Missouri licensees. This is a written examination of fifty (50) multiple-choice questions and the candidate will be allowed one hour to complete this examination.

**THE MISSOURI FUNERAL SERVICE ARTS EXAMINATION** is based on the same question bank used for the Funeral Service Arts Section of the National Boards. The examination includes subtests on accounting, computers, management, funeral directing, funeral home management, merchandising, communications, counseling, history, psychology of funeral service, sociology of funeral service, business and funeral service law. This is a written examination of one hundred fifty (150) multiple-choice questions and the candidate will be allowed three hours to complete this examination.

A motion was made by Gary Fraker and seconded by Joy Gerstein to approve the drafted funeral director apprenticeship language as well as the draft of examinations to include in the definition rule. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

## **Annual Reporting Notice – Preneed Providers and Sellers**

The Board was provided the Annual Report Information for registered preneed sellers in Missouri. A total of 17,186 contracts were sold with a total face value of \$76,323,952.83 for the 2007-2008 annual reporting period.

## **Embalmer/Funeral Director Renewal Update**

The Executive Director reported there were 71 embalmers and 163 funeral directors who had not renewed their licenses for the 2008-2010 biennial renewal period.

## **Tax Compliance**

The Board received twenty (27) Certifications of Non-Compliance from the Department of Revenue. The board will suspend the licenses of 14 embalmers and 13 funeral directors

effective January 3, 2009, by operation of law pursuant to Section 324.010 RSMo. for failure to file or failure to pay state taxes, unless they become compliant with the Department of Revenue.

#### **DNR Letter**

The Board reviewed a letter received from the Department of Natural Resources regarding backflow prevention. The backflow requirements were addressed and it was a directive of the board that inspectors will request to see an annual inspection certificate of backflow from establishments. Many comments were received from the meeting's public attendees.

#### **Future Meeting Dates**

##### **March/April 2009/Festus, Missouri**

The Board reviewed a 2009 calendar in order to plan for future meeting dates. The Board asked the Executive Director to check into board meeting room availability for March/April 2009 in Festus, Missouri.

#### **Chapter 436 Review Committee Update**

Connie Clarkston provided the Board a legislative update.

Senate Bill #1 was filed December 1, 2008, however the language was not available at that time. It was suggested to watch the Senate website for information.

The Board requested open communication during the legislative session.

The Department denied the Board's request for legal council language. Language for the Board's Legal Counsel will be placed in this bill also, and the Board is requesting public support.

#### **ITEM #12 - CANCELLED**

~~1:00 p.m. Deputy Receiver Donna Garrett/Guarantee Association Chuck Renn~~

~~Conference Call has been set up for this portion of the meeting by the Deputy Receiver for the public wishing to join discussion at 1:00 p.m.  
Dial 800-467-2166 Passcode: 494821# (Be sure to enter the # sign at end of passcode)~~

#### **Open Discussion – Dialogue with General Public Attending Open Session Continuation and/or Completion of any Unfinished Open Session Business**

- Scott Lindley inquired about the 30 days for receiving payment from NPS. He strongly requested a meeting with the Division of Finance and also inquired as to how the Board mandates the 30 day rule.

- Kimberly Grinston outlined the responsibilities of the Division/Department regarding legal issues that are public information.

Sharon Euler and Kimberly Grinston stated that the Board has no responsibility to regulate the Banks or Division of Finance.

Kimberly Grinston, Board's Legal Counsel, made a formal request to contact the Division of Finance further for public information at this time relating to NPS issues.

Ms. Grinston contacted the Division and was informed that they were processing claims, and there was no further public information at this time. They are working with



the Donna Garrett, Special Deputy Receiver. It was stated that if you wish to file a complaint, to do so with the Division of Finance or to contact Finance with questions on current updates.

- Sharon Euler stated that claims are being processed according to court order per Texas. Ms. Euler suggested directing that question to the Missouri Guaranty Association.
- Don Otto noted February 4, 2009 is MFDEA's Legislative Day in Jefferson City. He also announced the MFDEA Convention will be at the Lake of the Ozarks on May 27-29, 2009.

### **Closed Meeting**

A motion was made by Joy Gerstein and seconded by Martin Vernon to move into closed session pursuant to Section 610.021 Subsection (14) and 620.010.14 Subsection (7) RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure; Section 610.021 Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney; and Section 610.021 Subsection (1) RSMo and 620.010.14 Subsection (8) for deliberation on discipline; Section 610.021 Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency; Section 610.021 Subsection (13) RSMo for making performance ratings pertaining to individual employees; Section 610.021 Subsection (7) RSMo for reviewing testing and examination materials; Section 610.021 Subsection (14) and Section 620.010.14 Subsection (5) RSMo for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees; and Subsection of 610.021 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

The State Board of Embalmers and Funeral Directors recessed during the Joint Committee Meeting held from 2:00p.m.-4:00p.m. on today's date.

---

**Wednesday, December 3, 2008 – 9:00 a.m. – CLOSED MEETING**

**Thursday, December 4, 2008 – 9:00 a.m. – CLOSED MEETING**

---

### **Adjournment**

A motion was made by Gary Fraker and seconded by Martin Vernon to adjourn. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, and John McCulloch voting in favor with no votes in opposition. Joy Gerstein was absent from this portion of the meeting. The meeting adjourned at 11:15 a.m. on Thursday, December 4, 2008.

**Executive Director:** Sandy Sebastian

**Approved by the Board on:** 12/8-9/09